

LATHAM & WATKINS LLP
Steven M. Bauer (SBN 135067)
steven.bauer@lw.com
Dean G. Dunlavey (SBN 115530)
dean.dunlavey@lw.com
Daniel Scott Schecter (SBN 171472)
daniel.schecter@lw.com
Nima H. Mohebbi (SBN 275453)
nima.mohebbi@lw.com
355 South Grand Avenue
Los Angeles, California 90071-1560
Telephone: (213) 485-1234
Facsimile: (213) 891-8763

Attorneys for Defendant
Emirates NBD Bank PJSC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

INFOSPAN, INC.,

Plaintiff,

v.

EMIRATES NBD BANK PJSC,

Defendant.

Case No. 8:11-CV-01062 JVS (ANx)

**DECLARATION OF DANIEL
SCOTT SCHECTER IN SUPPORT
OF EMIRATES NBD BANK PJSC'S
MOTIONS *IN LIMINE* AND
DAUBERT MOTIONS**

Action Filed: July 15, 2011
Discovery Cutoff: December 15, 2014
Pretrial Conference: May 11, 2015
Trial Date: May 26, 2015

Pre-Trial Conference

Date: October 26, 2015
Time: 11:00 a.m.
Location: Ctrm. 10C

1 I, Daniel Scott Schecter, declare and state as follows:

2 1. I am an attorney with the law firm Latham & Watkins LLP, counsel of
3 record for Defendant Emirates NBD Bank PJSC (“Emirates Bank”). I am a
4 member in good standing of the State Bar of California. I have personal
5 knowledge of the facts set forth in this Declaration and, if called as a witness,
6 could and would testify competently thereto.

7 2. Attached hereto as **Exhibit A** is a true and correct copy of InfoSpan
8 Inc.’s (“InfoSpan”) Responses to Emirates Bank’s Rule 30(b)(6) Topics Converted
9 to Interrogatory Responses, dated November 17, 2014. Per an agreement of the
10 parties, InfoSpan provided written responses to certain Federal Rule of Civil
11 Procedure 30(b)(6) deposition topics, in lieu of testimony.

12 3. Attached hereto as **Exhibit B** is a true and correct copy of a criminal
13 complaint (with translation) filed in Dubai on May 13, 2009, Bates-labeled
14 EM000062-63 and produced by Emirates Bank in this litigation. This document
15 was marked as Exhibit 115 at the January 24, 2014 deposition of Abdulhakim
16 Binherz.

17 4. Attached hereto as **Exhibit C** is a true and correct copy of highlighted
18 excerpts from the deposition of Larry Scudder (Senior Vice President of
19 Operations at InfoSpan during the relevant period), taken on January 22, 2014,
20 during the course of this litigation.

21 5. Attached hereto as **Exhibit D** is a true and correct copy of Plaintiff
22 InfoSpan’s Third Supplemental Responses and Objections to Defendant’s
23 Interrogatory No. 1, dated September 9, 2014.

24 6. Attached hereto as **Exhibit E** is a true and correct copy of a letter
25 from Larry Scudder to Pishu Ganglani dated July 1, 2008, Bates-labeled
26 EM007356-59 and produced by Emirates Bank in this litigation. This document
27 was marked as Exhibit 141 at the February 19, 2014 deposition of Abdullah
28 Qassem in this litigation.

1 7. Attached hereto as **Exhibit F** is a true and correct copy of highlighted
2 excerpts from the deposition of Umair Hussain (IT Manager for InfoSpan during
3 the relevant period), taken on January 23, 2014, during the course of this litigation.

4 8. Attached hereto as **Exhibit G** is a true and correct copy of an email
5 from Michael Miller to Umair Hussain dated August 27, 2008, Bates-labeled
6 INSPN00006737 and produced by InfoSpan in this litigation.

7 9. Attached hereto as **Exhibit H** is a true and correct copy of the Expert
8 Report of Manuel Orozco, PhD, dated December 20, 2013.

9 10. Attached hereto as **Exhibit I** is a true and correct copy of the Reply
10 Report of Manuel Orozco, PhD, dated December 29, 2014.

11 11. Attached hereto as **Exhibit J** is a true and correct copy of highlighted
12 excerpts from the deposition of Manuel Orozco, PhD, taken on January 8, 2015,
13 during the course of this litigation.

14 12. Attached hereto as **Exhibit K** is a true and correct copy of the Expert
15 Report of Ariel Pakes, PhD, dated December 20, 2013.

16 13. Attached hereto as **Exhibit L** is a true and correct copy of the Reply
17 Expert Report of Ariel Pakes, PhD, dated December 29, 2014

18 14. Attached hereto as **Exhibit M** is a true and correct copy of highlighted
19 excerpts from the deposition of Ariel Pakes, PhD, taken on January 22, 2015,
20 during the course of this litigation.

21 15. Attached hereto as **Exhibit N** is a true and correct copy of the Stored
22 Value Card Processing, Service and Marketing Agreement between InfoSpan
23 (Gulf) Inc. and Emirates Bank dated May 20, 2007.

24 16. Attached hereto as **Exhibit O** is a true and correct copy of the Expert
25 Report of Benjamin Goldberg, PhD, dated December 20, 2013.

26 17. Attached hereto as **Exhibit P** is a true and correct copy of the Reply
27 Report of Benjamin Goldberg, PhD, dated December 29, 2014.

28 18. Attached hereto as **Exhibit Q** is a true and correct copy of highlighted

1 excerpts from the deposition of Benjamin Goldberg, PhD, taken on January 9,
2 2015, during the course of this litigation.

3 19. Attached hereto as **Exhibit R** is a true and correct copy of InfoSpan's
4 Responses to Defendant Emirates Bank's Third Set of Interrogatories (Nos. 8-22),
5 dated October 6, 2014.

6 20. Attached hereto as **Exhibit S** is a true and correct copy of the
7 "Consolidated, Special Purpose Financial Statements" for SpanCash, Bates-labeled
8 INSPN00009159-67 and produced by InfoSpan in this litigation.

9 21. Attached hereto as **Exhibit T** is a true and correct copy of highlighted
10 excerpts from the deposition of Daniel Johnson (Senior Vice President of
11 Marketing and Sales for InfoSpan), taken on November 20, 2014, during the
12 course of this litigation.

13 22. Attached hereto as **Exhibit U** is a true and correct copy of highlighted
14 excerpts from the deposition of Rizwan Uraizee (CFO of InfoSpan during the
15 relevant period), taken on October 25, 2014, during the course of this litigation.

16 23. Attached hereto as **Exhibit V** is a true and correct copy of a
17 PowerPoint presentation titled "SVC and M-Commerce Financial Service," Bates-
18 labeled LS0003614-24 and produced by Larry Scudder in this litigation.

19 24. Attached hereto as **Exhibit W** is a true and correct copy of a
20 PowerPoint presentation titled "What are we presenting to you and why?," Bates-
21 labeled INSPN00002880-92 and produced by InfoSpan in this litigation.

22 25. Attached hereto as **Exhibit X** is a true and correct copy of the
23 September 27, 2007 Addendum to the SVC Agreement, Bates-labeled EM006397-
24 403 and produced by Emirates Bank in this litigation. This document was marked
25 as Exhibit 31 at the January 21, 2014 deposition of Farooq Bajwa.

26 26. Attached hereto as **Exhibit Y** is a true and correct copy of a
27 highlighted page from the website for the ZHS accounting firm (located at
28 <http://www.zhs.ca/services/advisory-services.php>), accessed and printed on

1 January 28, 2015, by personnel in my office.

2 27. Attached hereto as **Exhibit Z** is a true and correct copy of InfoSpan's
3 Initial Disclosures dated February 8, 2013.

4 28. Attached hereto as **Exhibit AA** is a true and correct copy of Emirates
5 Bank's First Set of Interrogatories to Plaintiff InfoSpan (NOS. 1-4) dated February
6 15, 2013.

7 29. Attached hereto as **Exhibit BB** is a true and correct copy of
8 InfoSpan's Second Supplemental Responses and Objections to Emirates Bank's
9 First Set of Interrogatories dated February 17, 2014.

10 30. Attached hereto as **Exhibit CC** is a true and correct copy of a letter
11 from Walid Azzam (attorney from Hadeef & Partners and representing the Bank
12 during the relevant period) to Larry Scudder dated May 4, 2009, Bates-labeled
13 LS0042519-21 and produced by Larry Scudder in this litigation. This document
14 was marked as Exhibit 40 at the January 22, 2014 deposition of Larry Scudder.

15 31. Attached hereto as **Exhibit DD** is a true and correct copy of
16 highlighted excerpts from the deposition of Farooq Bajwa (Chairman and CEO of
17 InfoSpan during the relevant period), taken on January 21, 2014, during the course
18 of this litigation.

19 32. Attached hereto as **Exhibit EE** is a true and correct copy of Civil
20 Minutes to Plaintiffs' Motion to Strike and Exclude Defendant Cosmetic Alchemy,
21 LLC's Expert Witness Disclosure of David Steinberg re Validity dated February
22 28, 2013 in the case of Allergan, Inc. v Athena Cosmetics.

23 I declare under penalty of perjury of the laws of the United States of
24 America that the foregoing is true and correct. Executed at Dubai, United Arab
25 Emirates on September 28, 2015.

26
27 /s/ Daniel Scott Schecter

28 Daniel Scott Schecter